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Notice of Allowability

Application No.

10/085,973

Examiner

George Y. Wang

Applicant(s)

KELLY ET AL.

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed June 15, 2004.
2. ☒ The allowed claim(s) is/are 2-7, 13-18 and 22-25.
3. ☒ The drawings filed on 27 November 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Laura Shunk on July 9, 2004.
3. The application has been amended as follows:
 - Delete claim 22 and replace with: —A liquid crystal display as set forth in claim 25 further comprising a compensation layer laminated directly or indirectly to a second side of the liquid crystal cell.—.
4. The following is an examiner's statement of reasons for allowance: As the claims were read and interpreted in light of the specification, the prior art of record fails to specifically disclose an elliptically polarizing plate for a liquid crystal display (LCD) comprising a laminate of a polarizer having a first planar side and an opposing planar side and comprising a polarizer film having a thickness of from about 5 to about 80 μm , and optionally including a protective layer having a thickness which is less than about 500 μm , a first anisotropic optical layer having a first planar side and an opposing

second planar side, said layer being made from a first material that is a calamitic liquid crystal which has a thickness of from about 0.5 to about 500 μm and optionally includes a substrate having a thickness of from about 0 to about 500 μm , said first anisotropic optical layer, in particular, having a positive refractive index anisotropy and an optical axis that is tilted relative to the plane of the polarizer and which has a retardation $R_e = (n_x - n_y) \times d$ within the plane of the layer of from about 10 to about 1000 nm and a retardation $R_{th} = (n_x - n_z) \times d$ in the direction of the thickness of from about -400 to about 900 nm, a second anisotropic optical layer having a first planar side and an opposing second side and said layer being made from a second material that is a discotic liquid crystal which has a thickness of from about 0.5 to about 500 μm and optionally includes a substrate having a thickness of from about 0 to about 500 μm , and said second anisotropic optical layer, in particular, having a negative refractive index anisotropy and an optical axis that is tilted relative to the plane of the polarizer and which has a retardation $R_e = (n_x - n_y) \times d$ within the plane of the layer of from about 1 to about 500 nm and a retardation $R_{th} = (n_x - n_z) \times d$ in the direction of the thickness of from about 0 to about 700 nm, and one of the planar sides of the polarizer, being laminated directly or by means of an intermediate adhesive layer to the first planar side of the first anisotropic optical layer and the second planar side of the second anisotropic layer being laminated directly or by means of an intermediate adhesive layer to the first planar side of the second anisotropic layer, and the second layer being oriented so that the optical plane of the second layer, in particular, is substantially orthogonal to the optical plane p of the first optical layer.

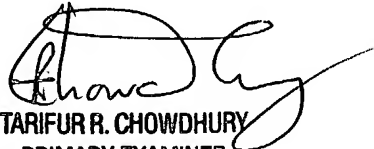
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Y. Wang whose telephone number is 571-272-2304. The examiner can normally be reached on M-F, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gw
July 9, 2004


TARIFUR R. CHOWDHURY
PRIMARY EXAMINER